

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**THE TRAVELERS INDEMNITY COMPANY**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO. 3:05-cv-590 HTW-LRA**

**KUHLMAN ELECTRIC CORPORATION,  
KUHLMAN CORPORATION, AND  
BORGWARNER, INC.**

**DEFENDANTS**

**ORDER**

The following motions are before the court:

1. Docket no. 278 – BorgWarner and Kuhlman Corporation’s Unopposed Motion to Extend Scheduling Order;
2. Docket no. 285 - The Travelers Indemnity Company’s Motion To Exceed Page Limitation;
3. Docket no. 288 - The Travelers Indemnity Company’s Motion to Stay pending the resolution of its [286] Motion for Partial Summary Judgment;
4. Docket no. 289 - BorgWarner, Inc. and Kuhlman Corporation’s Unopposed Motion For Leave to Extend Time For Response to [286] Motion For Summary Judgment;
5. Docket no. 290 - BorgWarner and Kuhlman Corporation’s Motion For Leave To File Supplemental Information; and
6. Docket no. 294 - Kuhlman Electric Corporation’s Unopposed Motion For Leave to Extend Time to File Response to [286] Motion For Summary Judgment.

The parties argued these motions during a telephonic hearing held on February 28, 2012. This court hereby GRANTS the above motions - docket nos. 278, 285, 288, 289, 290, and 294 and hereby further VACATES the Amended Scheduling Order [docket no. 262, as amended by docket no. 278] dated September 12, 2011.

The court also has before it the following unopposed motions for extension of time:

1. Docket no. 301 - BorgWarner and Kuhlman Corporation’s Unopposed Motion for Extension of Time to File Response to [286] Motion for Summary Judgment;
2. Docket no. 302 - Kuhlman Electric Corporation’s Unopposed Motion for Extension of Time to File Response to [286] Motion for Summary Judgment;
3. Docket no. 303 - BorgWarner and Kuhlman Corporation’s Unopposed Motion for Extension of Time to File Response to Travelers’ Motion for

- Summary Judgment; and
4. Docket no. 304 - Kuhlman Electric Corporation's Unopposed Motion for Extension of Time to File Response to [286] Motion for Summary Judgment.

These motions request additional time to respond to a motion for summary judgment and other relief filed by Travelers Indemnity Company ("Travelers") [docket no. 286]. Since filing these motions, the parties have responded to and briefed the issues related to this motion, and the court has held initial arguments. This court, therefore, finds these motions to be moot - docket nos. 301, 302, 303, 304.

Further, all discovery in this matter is stayed until this court rules upon Travelers' motion for summary judgment [docket no. 286] and Kuhlman Electric Corporation's ("KEC") motion to restate, supplement and/or amend pleadings [docket no. 268].

KEC has joined in part and responded in part to Travelers's motion for summary judgment. KEC has also filed a motion for summary judgment [docket no. 310] asking this court to grant summary judgment with respect to Counts III and IV of Travelers's complaint. BorgWarner and Kuhlman Corporation (jointly "BorgWarner") have filed a motion to strike KEC's motion for summary judgment. The court's review of the docket indicates that this motion to strike is BorgWarner's only response to KEC's motion for summary judgment. KEC's motion for summary judgment has already been noticed for hearing. The court directs BorgWarner to advise the court within five days of this order, whether it intends to file a response to KEC's motion for summary judgment.

**SO ORDERED**, this, the 28<sup>th</sup> day of August, 2012.

/s/ HENRY T. WINGATE  
**UNITED STATES DISTRICT JUDGE**

Order  
Civil Action No. 3:05-cv-590-HTW-LRA